



**CITY COUNCIL
MEETING MINUTES**

July 20, 2009 7:30 PM

I. CALL TO ORDER

A. Flag Salute

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Mayor Lewis and the following Councilmembers were in attendance: Rich Wagner, Sue Singer, Gene Cerino, Nancy Backus, Bill Pelozza, Lynn Norman and Virginia Haugen.

Staff members present included: City Attorney Daniel B. Heid; Assistant City Attorney Steve Gross; Information Services Director Lorrie Rempher; Financial Planning Manager Karen Jester; Finance Director Shelley Coleman; Public Works Director Dennis Dowdy; Planning, Building and Community Director Cindy Baker; Principal Planner Elizabeth Chamberlain; Chief of Police Jim Kelly; Parks, Arts and Recreation Director Daryl Faber; and City Clerk Danielle Daskam.

C. Announcements and Appointments

1. Announcements

Mayor Lewis announced that the City of Auburn is the recipient of the Distinguished Budget Presentation Award for the biennium beginning January 1, 2009.

Mayor Lewis commended the efforts of Director Coleman and the Finance Department staff.

2. Appointments

There was no appointment for Council consideration.

D. Agenda Modifications

Agenda modifications included the removal of Ordinance No. 6247 from the agenda and the correction of a scrivener' error on Consent Item V.C.6 where the amendment number should read "3" instead of "1".

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Auburn Revitalization Area

F6.16

City Council to conduct a public hearing on the creation of the Auburn Revitalization Area. The purpose of the Auburn Revitalization Area is to secure the financial means for making key infrastructure improvements in downtown Auburn in the vicinity of the Downtown Transit Center. The Auburn Revitalization Area is depicted in the map below and its boundaries are generally co-located with the Downtown Urban Center boundaries adopted in the City's Comprehensive Plan.

Financial Planning Manager Karen Jester presented a PowerPoint presentation on Local Revitalization Financing and the creation of the Auburn Revitalization Area. Second Substitute Senate Bill 5045 authorizes local revitalization financing, and the City of Auburn has been selected as a demonstration project. The City is eligible for up to \$250,000 per year from the State in local revitalization funding over a twenty-five year period with a City match. The total State contribution is \$6,250,000. The financing is a credit against existing State sales and use tax; it is not a new tax or a tax increase to any citizen or business.

The proposed boundary of the Auburn Revitalization Area is Auburn's Urban Center, bordered by Highway 18 to the south, the Union Pacific Railway to the west, 3rd Street NW to the north, and E Street SE to the east.

The project identified by the City to receive local revitalization financing as a funding source is the reconstruction of South Division Street to include three blocks of roadway pavement, crosswalks, sidewalks, pedestrian and street lighting, relocation and replacement of

undersized utilities, undergrounding of power, and aesthetic treatments of landscaping. The estimated project cost is \$8 million. The City is proposing to fund the project with a \$3 million Economic Development Administration (EDA) grant and issuance of general obligation debt. The City has been invited to apply for the EDA grant by September 1, 2009 with funds likely available in 2010. The general obligation debt will be repaid using local revitalization financing, incremental increases in local property and sales/use tax revenues of participating local governments and taxing districts, real estate excise tax, and general government revenues. The maximum amount of indebtedness is \$6,650,000. The current estimate of debt to be issued is \$5 million.

The timing of the revitalization financing includes the use of revenues from the revitalization area not earlier than July 1, 2010; the estimated time for use of the funds is up to twenty-five years; bonds must be issued in order to participate in local revitalization financing; and the City will issue bonds once the City receives the EDA grant.

The proposed public improvements to be financed are expected to encourage private development within the Revitalization Area. The City entered into a Master Plan Development Agreement with Alpert International on October 6, 2008 that provides for development of private improvements within the Revitalization Area.

As part of the legislation, participating taxing districts and local governments automatically participate in local revitalization unless they specifically opt out by ordinance or resolution. To date, the Valley Regional Fire Authority is the only agency to have opted out. Other agencies that were notified of the proposed creation of the Auburn Revitalization Area include: King County, Port of Seattle, King County Library System, King County EMS, King County Ferry District, and King County Flood Control. The agencies are required to notify the City by 4:30 p.m. on August 3, 2009 in order to opt out.

The next steps in the formation of the Auburn Revitalization Area include adoption of a resolution designating the Revitalization Area scheduled for the August 3, 2009 Council meeting and application to Department of Revenue due by

September 1, 2009. The Department of Revenue has sixty days to approve the application. The City's application process for the EDA grant runs concurrently and is also due by September 1, 2009.

In response to a question from Deputy Mayor Singer, Mayor Lewis stated that the City would move forward with issuing bonds once the City receives the grant award and the City is ready to move forward on a portion of the promenade. Any bond debt will require the approval of the Council.

Mayor Lewis opened the public hearing at 7:40 p.m. No one in the audience requested to address the Council, and Mayor Lewis closed the hearing.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Nicole Petrino-Salter, 31021 132nd Way SE, Auburn

Ms. Petrino-Salter spoke regarding the moratorium on conditional use permits in certain zones, including the C-1 zone. She thanked the Planning and Community Development Committee for their work on the code update project. She requested that as the Committee completes the wording and requirements for the priority issues for the October 5th deadline, the Council lift the moratorium on CUPs in the C-1 zone in October rather than in December so that CUP applications can be accepted and begin processing. Ms. Petrino-Salter also requested that the development regulations would not be so onerous as to discourage development and that the Council implement reasonable and practical requirements for any wetland issues and mitigations.

C. Correspondence

There was no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A3.7.6

A. Municipal Services

Chair Cerino reported the Municipal Services Committee met July 13, 2009. The Committee approved consent items, Ordinance No. 6247 related to parking, Ordinance No. 6252 relating to fines for false alarms, Resolution No. 4503 approving a Proceeds

Distribution and Hold Harmless Agreement with the City of Bellevue regarding the cities' Jail Services Agreement. The Committee discussed the greenhouse gas inventory project, the Federal Emergency Management National Marine Fisheries Services Floodplain moratorium status, Ordinance No. 6246 amending the 2009-2010 Biennial Budget, Resolution No. 4502 regarding local revitalization funding, and the 2009 Fireworks After Action Report. The next regular meeting of the Municipal Services Committee is scheduled for July 27, 2009 at 4:00 p.m.

B. Planning & Community Development

Chair Norman reported the Planning and Community Development Committee met July 13, 2009. The Committee discussed the greenhouse gas emissions inventory project. The City has joined the ICLEI, Local Governments for Sustainability and agreed to conduct a baseline greenhouse gas emissions inventory, which will assist the City in its pursuit of state and federal grant funding. The Committee also discussed the Comprehensive Transportation Plan update, Lea Hill transportation issues, the Light Commercial C-1 zoning district and moratorium, Ordinance No. 6246 amending the 2009-2010 Biennial Budget, Resolution No. 4502 regarding local revitalization financing, the Federal Emergency Management National Marine Fisheries Services Floodplain moratorium status, and loading zones. The next regular meeting of the Planning and Community Development Committee is scheduled for July 27, 2009 at 5:00 p.m. Chair Norman reported that a public open house will be held at City Hall on July 29th on the code update project.

C. Public Works

Chair Wagner reported the Public Works Committee met July 17, 2009, in a special session that included a field trip to surrounding areas that have existing developments to review site design issues such as steep street grades. The Committee met in regular session this afternoon at 3:00. The Committee approved several contract administration items related to the 2009 Citywide Sidewalk Repair Project, the 2009 Local Street Pavement Preservation Project, a Sewer Main Repair and Replacement Project, Local Storm Drainage Improvement Project and the Auburn Way North Pedestrian Crossing Project. The Committee discussed the Federal Emergency Management National Marine Fisheries Services Floodplain moratorium, Ordinance No. 6253 related to the C-1 Light Commercial District moratorium, the Community Center and Activity Center Projects and Strategic and Financial Plans, the draft Comprehensive Water Plan, the code update project and

design standards, and the status of capital projects. The next regular meeting of the Public Works Committee is scheduled for August 3, 2009 at 3:00 p.m.

D. Finance

Chair Backus reported the Finance Committee met this evening at 6:30. The Committee approved claims and payroll vouchers, Ordinance No. 6246 approving an amendment to the 2009-2010 Biennial Budget, Resolution No. 4504 authorizing the receipt of grant from the State of Washington Department of Transportation Aviation Division for Airport Taxiway Alterations and Improvements Project, Resolution No. 4505 approving transfer of funds for the purpose of making loans from the Capital Projects Funds to the Airport Fund for up to a 120 day period. The Committee discussed Resolution No. 4503 approving the Proceeds Distribution and Hold Harmless Agreement regarding the Jail Services Agreement and the Community Center and Activity Center Strategic and Financial Plans. The next regular meeting of the Finance Committee is scheduled for August 3, 2009 at 6:30 p.m.

E. Community Center

Chair Wagner reported the Community Center Committee has not met since the last Council meeting.

F. Downtown Redevelopment

Chair Norman reported the Downtown Redevelopment Committee met July 14, 2009. The Committee discussed future bike routes to connect to key areas in town and Main Street pedestrian lights. The next regular meeting of the Downtown Redevelopment Committee is scheduled for July 28, 2009 at 4:00 p.m.

IV. REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.

A. From the Council

Deputy Mayor Singer briefed the Council on the efforts she and Councilmember Wagner have undertaken relating to the environmental park and incubator project. Deputy Mayor Singer reported that she participated in commissioning ceremonies for new police officers, a ribbon cutting ceremony for Lakeland Sports and Spine Physical Therapy, the Suburban Cities Association's Public Issues Committee, and the Suburban Cities Association

networking dinner where Speaker of the House Frank Chopp was the guest speaker. Deputy Mayor Singer reported that she chaired an Auburn Tourism Board meeting where it was decided the Tourism Board would host a Bridal Fair at Emerald Downs in October.

Councilmember Wagner reported on the efforts he and Deputy Mayor Singer have undertaken related to the Auburn Environmental Park and Environmental Park District. Councilmember Wagner reported that visits from Washington State University faculty members are expected next week to finalize work that the university will be providing.

Councilmember Norman reported on the progress of the barrier free playground. The proposed playground has the support of several community and service groups. The playground will be located adjacent to the spray park at Les Gove Park.

Councilmember Cerino reported that he participated in a field trip of the upper and lower Green River/Duwamish watershed and the Howard Hanson Dam where the on-site engineer explained the curtain program to repair the dam. Councilmember Cerino also attended the special meeting of the Public Works Committee which consisted of a field trip to surrounding areas' existing developments to review the probable practicality of building on steep slopes. Councilmember Cerino reported on his attendance at the Pierce County Regional Committee.

Councilmember Pelosa reported that he attended the Suburban Cities Association Public Issues Committee where, as a member of the Regional Water Quality Committee, he gave a briefing on the Brightwater Wastewater Treatment Plant that is under construction near Woodinville. The Brightwater Treatment Plant project is \$1.8 Billion, and the plant is scheduled to be operational in September 2011. Councilmember Pelosa spoke about the number of mitigation projects associated with the Brightwater Treatment Plant project. Councilmember Pelosa also participated in a tour of the Howard Hanson Dam. Councilmember Pelosa represented the City of Auburn at the opening of the King County Hazardous Waste Mobile Project located at the northwest corner of the SuperMall and which will be conducted two weekends each month. Councilmember Pelosa announced that the Auburn International Farmers Market has completed its sixth Sunday of sixteen

weekends of operation. The Market has new hours and is open from 10:00 a.m. to 3:00 p.m. each Sunday.

Councilmember Haugen thanked Councilmembers Pelosa and Cerino for their reports on the status of the Howard Hanson Dam.

B. From the Mayor

Mayor Lewis reported that he attended a meeting with other Mayors and the Colonel of the Corps of Engineers on the status of the Howard Hanson Dam. The Corps is ready to proceed with a temporary measure to build two grout curtains twenty feet apart, 450 feet long and 150 feet deep across the abutment. The temporary measure work should be done by November 1st. However, the Corps will not be able to test it until spring of 2010. Additionally, the National Weather Service is now predicting an El Nino which could mean a dryer winter. The Corps and King County will be working on dikes and levees this summer and all will be working together much of the year to plan for the possibilities. Mayor Lewis encouraged citizens to pursue the purchase of flood insurance.

Mayor Lewis announced the passing of an outstanding member of the community, Sauce Shimojma. Mayor Lewis reported on his attendance at the Eagle Scout Court of Honor in recognition of Johnathan Michael Irwin's attainment of the rank of Eagle Scout. On July 11th, Mayor Lewis attended the Miss Washington pageant. When the top ten contestants were announced, Miss Auburn Allie Wallace was in the top ten together with the last two year's former Miss Auburn (last year's Miss Auburn and current Miss Tacoma, Cara Rudd and the 2007 Miss Auburn and current Miss Seattle, Devanni Partridge). Former Miss Auburn Devanni Partridge was crowned the new Miss Washington. Mayor Lewis announced that the Auburn Buddhist Temple Bon Odori is scheduled for this weekend.

V. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes

1. Minutes of the July 6, 2009 regular City Council meeting.

B. Vouchers

F4.9.2, F4.9.5

1. Claims

Claims check numbers 386976 through 387391 in the amount of \$4,232,016.09 and a wire transfer in the amount of \$4,904.00 and dated July 20, 2009.

2. Payroll

Payroll check numbers 526863 to 526967 in the amount of \$816,329.21 and electronic deposit transmissions in the amount of \$1,146,275.51 for a grand total of \$1,962,604.72 for the pay period covering July 2, 2009 to July 15, 2009.

C. Contract Administration

1. Public Works Project No. CP0731

O4.6.3 CP0731

City Council award Contract No. 07-24, Project No. CP0731, 2007 Sewer Main Repair and Replacement, to Rodarte Construction, Inc. on their low bid of \$895,895.00 plus Washington State sales tax of \$85,110.03 for a total contract price of \$981,005.03.

2. Public Works Project No. CP0760

O4.9.1 CP0760

City Council approve Final Pay Estimate No. 5 to Contract No. 08-04 in the amount of \$9,300.21, for a total contract price of \$205,017.90, with Merlino Brothers, LLC and accept construction of Project No. CP0760, Auburn Way North Pedestrian Crossing.

3. Public Works Project No. CP0901* (Wagner/Dowdy)

O4.9.1 CP0901

City Council award Contract No. 09-12, Project No. CP0901, 2009 Local Street Pavement Preservation, to Woodworth & Company, Inc. on their low bid of \$464,729.86.

4. Public Works Project No. CP0907* (Wagner/Dowdy)

O4.9.1 CP0907

City Council award Contract No. 09-10, Project No. CP0907, 2009 Arterial & Collector Pavement Patching, to ICON Materials, Inc. on their low bid of \$1,387,819.00.

5. Public Works Project No. CP0904* (Wagner/Dowdy)

O4.12.1 CP0904

City Council grant permission to advertise for bids for Project No. CP0904, 2009 Citywide Sidewalk Repair Project.

6. Consultant Agreement No. AG-C-300* (Wagner/Dowdy)

O4.8.1, A3.16.9

City Council grant permission to enter into Amendment No. 1 to Consultant Agreement No. AG-C-300 with Gray & Osborne, Inc. for design and construction management services for Small Works Project No. CP0743, 2007 Local Storm Drainage Improvement.

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the Consent Agenda.

MOTION CARRIED UNANIMOUSLY. 7-0.

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. NEW BUSINESS

There was no new business.

VIII. ORDINANCES AND RESOLUTIONS

A. Ordinances

1. Ordinance No. 6246

F3.22

An Ordinance of the City Council of the City of Auburn, Washington, amending Ordinance No. 6215, the 2009-2010 Biennial Budget Ordinance as amended by Ordinance No. 6226 authorizing amendment to the City of Auburn 2009-2010 budget as set forth in Schedule "A"

Councilmember Backus moved and Councilmember Pelosa seconded to introduce and adopt Ordinance No. 6246.

Councilmember Haugen stated that she will vote against the ordinance as she disagrees with some of the amendments related to salaries.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

2. Ordinance No. 6247

O1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 10.36.020, 10.36.175, 10.36.205, 10.36.240, 10.36.255, 10.36.262, 10.36.265, 10.36.268, 10.36.270 and 10.36.350 of the Auburn City Code, relating to stopping, standing and parking

Ordinance No. 6247 was removed from the agenda.

3. Ordinance No. 6249

O3.5 PLT08-0014

An Ordinance of the City Council of the City of Auburn, Washington, approving the final plat of Sterling Court

Councilmember Norman moved and Councilmember Backus seconded to introduce and adopt Ordinance No. 6249.

Councilmember Haugen inquired regarding the size of the homes planned for the plat. Planning, Building and Community Director Baker explained that there is no size limitation for the houses with the exception of height limitations and setbacks. Principal Planner Chamberlain added that no applications for building permits have been submitted, therefore, the size of the houses is unknown. Principal Planner Chamberlain stated that the plat is a King County vested project and setbacks would be to the King County standards.

MOTION CARRIED UNANIMOUSLY. 7-0.

4. Ordinance No. 6252

1.8

An Ordinance of the City Council of the City of Auburn, Washington, amending Section 9.30.110 of the Auburn City Code relating to fines for false alarms

Councilmember Cerino moved and Councilmember Pelosa seconded to introduce and adopt Ordinance No. 6252.

Councilmember Haugen expressed concern with the amount (\$200) of the fine for robbery/panic alarms. Chief Kelly

stated that ninety-nine percent of all alarms are false. The vast majority of alarms are burglar or intrusion alarms.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

B. Resolutions

1. Resolution No. 4503

A3.16.8, O1.7

A Resolution of the City Council of the City of Auburn, Washington, approving the Proceeds Distribution and Hold Harmless Agreement between the City of Auburn and the City of Bellevue regarding the cities' Jail Services Agreement

Councilmember Cerino moved and Councilmember Peloza seconded to adopt Resolution No. 4503.

MOTION CARRIED UNANIMOUSLY. 7-0.

2. Resolution No. 4504

F5.2.15

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to accept grant funds from the Washington State Department of Transportation Aviation Division in the amount of Thirty Nine Thousand Five Hundred Dollars (\$39,500.00) which represents 2½% match of funds needed for Phase II of the Taxiway Alterations and Improvements Project

Councilmember Backus moved and Councilmember Peloza seconded to adopt Resolution No. 4504.

MOTION CARRIED UNANIMOUSLY. 7-0.

3. Resolution No. 4505

F4.7

A Resolution of the City Council of the City of Auburn, Washington, authorizing the transfer of funds for the purpose of making a loan or loans from the Capital Projects Fund to the Airport Fund for up to a 120 day period of time

Councilmember Backus moved and Councilmember Peloza seconded to adopt Resolution No. 4505.

MOTION CARRIED UNANIMOUSLY. 7-0.

IX. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:31 p.m.

APPROVED THE _____ DAY OF AUGUST, 2009.

Peter B. Lewis, Mayor

Danielle Daskam, City Clerk

City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.

Internet: <http://www.auburnwa.gov>